

**NOTICE OF SESSION TO HOLD
LOCAL AND UNCONTESTED BILLS CALENDAR**

Senator Sims announced that a Local and Uncontested Bills Calendar had been placed on the Members' desks and gave notice that a Local and Uncontested Bills Calendar would be held at 8:00 a.m. tomorrow and that all bills would be considered on second reading in the order in which they are listed.

SENATE RULE 11.11 SUSPENDED

On motion of Senator Montford and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on State Affairs might consider the following bills at 2:30 p.m. today:

H.B. 329
H.B. 759
H.B. 1677
H.B. 2650
H.B. 2576

RECESS

On motion of Senator Brooks, the Senate at 1:32 p.m. took recess until 8:00 a.m. tomorrow.

FIFTY-NINTH DAY
(Continued)
(Tuesday, May 9, 1989)

AFTER RECESS

The Senate met at 8:00 a.m. and was called to order by Senator Sims.

SENATORS ANNOUNCED PRESENT

Senators Ratliff and Washington, who had previously been recorded as "Absent-excused," were announced "Present."

MESSAGE FROM THE HOUSE

House Chamber
May 9, 1989

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.J.R. 33. Proposing a constitutional amendment to create a fire department emergency fund and to authorize the state to provide scholarships, grants, loans and other financial assistance to local fire departments and other public fire-fighting organizations.

S.J.R. 34. Proposing a constitutional amendment relating to the authority of the legislature to provide by general or special law for the creation, establishment, maintenance and operation of a hospital district.

S.B. 911. Relating to coverage of chemical dependency under certain health insurance, prepaid health plans, and self-funded and self-insured health plans. (As amended)

S.B. 402. Relating to certain information about missing children, missing persons, and unidentified bodies. (As amended)

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

REPORTS OF STANDING COMMITTEES

By unanimous consent, Senator Harris submitted the following report for the Committee on Economic Development:

C.S.S.B. 1683

By unanimous consent, Senator Caperton submitted the following report for the Committee on Finance:

S.B. 1666
S.B. 1456
S.B. 1229
S.J.R. 50
S.J.R. 66
S.B. 1228
S.B. 1226
S.B. 1227
S.B. 1562
S.B. 1657
S.B. 1658
S.B. 1659
S.B. 339
S.B. 750
S.B. 749
S.B. 379
C.S.S.B. 824
C.S.S.B. 1312

By unanimous consent, Senator Montford submitted the following report for the Committee on State Affairs:

H.B. 1464
H.B. 2681
H.B. 1910
H.B. 121
H.B. 1878
H.B. 1892
S.B. 1557
S.B. 1688
S.B. 1551
S.J.R. 60
S.B. 1761 (Amended)
C.S.S.B. 1512
C.S.S.B. 1037
C.S.S.B. 1781

C.S.S.B. 1480
C.S.S.B. 1416
C.S.S.B. 1757
C.S.S.B. 1762
C.S.S.J.R. 74

SENATE BILLS ON FIRST READING

On motion of Senator Brooks and by unanimous consent, the following bills were introduced, read first time and referred to the Committee indicated:

S.B. 1817 by Brooks Health and Human Services
Relating to residential facilities for certain delinquent children.

S.B. 1818 by Barrientos Intergovernmental Relations
Relating to the provision of municipal services to newly annexed areas; procedures for annexing and disannexing territory previously annexed for limited purposes and validation of annexations and disannexations by a municipality authorized to annex for limited purposes; authorizing the designation of planned unit developments in extraterritorial areas; and the extension of certain ordinances to areas of extraterritorial jurisdiction.

HOUSE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution received from the House were read the first time and referred to the Committee indicated:

H.J.R. 51, To Committee on State Affairs.
H.B. 115, To Committee on Education.
H.B. 214, To Committee on Natural Resources.
H.B. 260, To Committee on Intergovernmental Relations.
H.B. 346, To Committee on Economic Development.
H.B. 421, To Committee on Finance.
H.B. 464, To Committee on Natural Resources.
H.B. 588, To Committee on Jurisprudence.
H.B. 691, To Committee on State Affairs.
H.B. 1088, To Committee on Jurisprudence.
H.B. 1162, To Committee on Jurisprudence.
H.B. 1189, To Committee on Natural Resources.
H.B. 1239, To Committee on Natural Resources.
H.B. 1446, To Committee on Intergovernmental Relations.
H.B. 1476, To Committee on State Affairs.
H.B. 1486, To Committee on Jurisprudence.
H.B. 1505, To Committee on Jurisprudence.
H.B. 1533, To Committee on Intergovernmental Relations.
H.B. 1606, To Committee on Natural Resources.
H.B. 1630, To Committee on Education.
H.B. 1637, To Committee on Jurisprudence.
H.B. 1639, To Committee on Natural Resources.
H.B. 1668, To Committee on Intergovernmental Relations.
H.B. 1694, To Committee on Economic Development.
H.B. 1699, To Committee on Jurisprudence.
H.B. 1752, To Committee on State Affairs.
H.B. 1772, To Committee on State Affairs.
H.B. 1806, To Committee on Health and Human Services.
H.B. 1822, To Committee on State Affairs.
H.B. 1862, To Committee on Natural Resources.

H.B. 1868, To Committee on Jurisprudence.
H.B. 1963, To Committee on Health and Human Services.
H.B. 1978, To Committee on Economic Development.
H.B. 2017, To Committee on Economic Development.
H.B. 2032, To Committee on State Affairs.
H.B. 2034, To Committee on Finance.
H.B. 2126, To Committee on Jurisprudence.
H.B. 2127, To Committee on Jurisprudence.
H.B. 2212, To Committee on Jurisprudence.
H.B. 2248, To Committee on Natural Resources.
H.B. 2296, To Committee on Natural Resources.
H.B. 2316, To Committee on Natural Resources.
H.B. 2317, To Committee on Natural Resources.
H.B. 2332, To Committee on Economic Development.
H.B. 2370, To Committee on Natural Resources.
H.B. 2423, To Committee on State Affairs.
H.B. 2455, To Committee on Intergovernmental Relations.
H.B. 2456, To Committee on Intergovernmental Relations.
H.B. 2461, To Committee on State Affairs.
H.B. 2462, To Committee on State Affairs.
H.B. 2489, To Committee on Criminal Justice.
H.B. 2494, To Committee on Health and Human Services.
H.B. 2514, To Committee on Natural Resources.
H.B. 2520, To Committee on Jurisprudence.
H.B. 2524, To Committee on State Affairs.
H.B. 2614, To Committee on Intergovernmental Relations.
H.B. 2648, To Committee on Health and Human Services.
H.B. 2674, To Committee on State Affairs.
H.B. 2721, To Committee on Finance.
H.B. 2753, To Committee on Economic Development.
H.B. 2756, To Committee on Natural Resources.
H.B. 2774, To Committee on Economic Development.
H.B. 2777, To Committee on Health and Human Services.
H.B. 2799, To Committee on Health and Human Services.
H.B. 2879, To Committee on Natural Resources.
H.B. 2920, To Committee on Intergovernmental Relations.
H.B. 2939, To Committee on Jurisprudence.
H.B. 2972, To Committee on Health and Human Services.
H.B. 3018, To Committee on Intergovernmental Relations.
H.B. 3021, To Committee on Criminal Justice.
H.B. 3040, To Committee on Jurisprudence.
H.B. 3078, To Committee on Natural Resources.
H.B. 3080, To Committee on Natural Resources.
H.B. 3084, To Committee on Natural Resources.
H.B. 3097, To Committee on Intergovernmental Relations.
H.B. 3104, To Committee on Natural Resources.
H.B. 3109, To Committee on Intergovernmental Relations.
H.B. 3112, To Committee on Natural Resources.
H.B. 3130, To Committee on Health and Human Services.
H.B. 3134, To Committee on Health and Human Services.

LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Sims in Chair) announced that the time had arrived for consideration of the Local and Uncontested Bills Calendar.

Pursuant to Senate Rule 9.03(d), the following bills were laid before the Senate, read second time, amended where applicable, passed to engrossment/third reading, read third time and passed: (Vote on Constitutional Three-Day Rule and final passage indicated after the caption of each bill.)

C.S.S.C.R. 48 (Parker) Encouraging school districts to have a psychologist available to diagnose and treat students who suffer from emotional disturbances. (vv)

S.C.R. 54 (Carriker) Directing the Primary Health Care Services Program to target dollars to fund primary health care services projects in counties whose hospitals have closed, whose hospitals are at risk of closure or that are without hospitals. (vv)

C.S.S.C.R. 78 (Truan) Requesting the Department of Mental Health and Mental Retardation to take certain steps regarding the community placement appeals process. (vv)

C.S.S.C.R. 88 (Truan) Directing the Department of Mental Health and Mental Retardation to create a Case Manager's Ombudsman's Office. (vv)

S.C.R. 100 (Truan) Directing the Department of Mental Health and Mental Retardation to conduct analysis of community based program funding in other states. (vv)

S.C.R. 119 (Brooks) Directing the Texas Department of Human Services to establish a task force to help implement a case manager program for runaways. (vv)

S.C.R. 126 (Bivins) Requesting the U.S. Postal Service to issue a commemorative postage stamp honoring the 50th anniversary of Cal Farley's Boys Ranch. (vv)

S.C.R. 132 (Sims) Authorizing the Department of Agriculture to conduct a pilot project to collect and dispose pesticide wastes in Senate District 25. (vv)

C.S.S.B. 466 (Caperton) Relating to sick leave for public school teachers. (30-1) Washington "Nay" (31-0)

C.S.S.B. 586 (Sims) Relating to the funding of an approved peer assistance program by the Texas State Board of Dental Examiners. (30-1) Washington "Nay" (31-0)

S.B. 596 (Barrientos) Relating to the sale by the Texas Department of Public Safety of certain real property in Travis County. (30-1) Washington "Nay" (31-0)

S.B. 597 (Barrientos) Relating to the sale by the Texas Department of Public Safety to the City of Austin of certain real property in Travis County. (30-1) Washington "Nay" (31-0)

C.S.S.B. 730 (Whitmire) Relating to procedures for suspending a fire fighter or police officer in certain cities. (30-1) Washington "Nay" (31-0)

C.S.S.B. 783 (Whitmire) Relating to hearings under the fire fighters' and police officers' civil service in certain cities. (30-1) Washington "Nay" (31-0)

C.S.S.B. 881 (Caperton) Relating to an increase in the maximum group hospital fees levied and collected from each student of The Texas A&M University System. (30-1) Washington "Nay" (31-0)

C.S.S.B. 958 (Barrientos) Relating to the conveyance of State owned real property and improvements in Travis County and to the disposition of the proceeds. (30-1) Washington "Nay" (31-0)

- C.S.S.B. 1070** (Green) Relating to revealing the content of an appellate judicial decision or opinion. (30-1) Washington "Nay" (31-0)
- C.S.S.B. 1144** (Santiesteban) Relating to the exemption of the collecting of live reptiles and amphibians from restrictions on hunting from vehicles. (30-1) Washington "Nay" (31-0)
- C.S.S.B. 1204** (Dickson) Relating to the operation of vehicles on highways. (30-1) Washington "Nay" (31-0)
- S.B. 1224** (Santiesteban) Relating to administrative penalties for the violation of certain water rights laws, rules, orders, permits, certificates and certified filings, and certain dam safety laws, rules and orders. (30-1) Washington "Nay" (31-0)
- S.B. 1271** (Harris) Relating to limitation of liability of directors of certain corporations, associations or other organizations. (30-1) Washington "Nay" (31-0)
- S.B. 1320** (Dickson) Relating to child care provided by public schools. (30-1) Washington "Nay" (31-0)
- C.S.S.B. 1357** (McFarland) Relating to a lien on a vehicle for towing services. (30-1) Washington "Nay" (31-0)
- C.S.S.B. 1431** (Krier) Relating to proceeds from the sale of underproductive trust property. (30-1) Washington "Nay" (31-0)
- C.S.S.B. 1450** (Barrientos) Relating to the administration and coordination of job training and related employment programs in the State. (30-1) Washington "Nay" (31-0)
- C.S.S.B. 1501** (Barrientos) Relating to the composition of the interagency coordinating council for services to students who drop out of school or who are at risk of dropping out of school. (30-1) Washington "Nay" (31-0)
- C.S.S.B. 1526** (Green) Relating to the licensing and regulation of pilots rendering pilot services to or from ports located in Harris County. (30-1) Washington "Nay" (31-0)
- C.S.S.B. 1569** (Caperton) Relating to the qualifications of certain business entities to enter into contracts or transactions with institutions of higher education. (30-1) Washington "Nay" (31-0)
- S.B. 1687** (Green) Relating to the regulation of wild animals. (30-1) Washington "Nay" (31-0)
- S.B. 1701** (Glasgow) Relating to a facility use fee charged and collected from students at Tarleton State University. (30-1) Washington "Nay" (31-0)
- C.S.S.B. 1707** (Barrientos) Relating to abatement of noise surrounding existing airports. (30-1) Washington "Nay" (31-0)
- S.B. 1708** (Caperton) Relating to the creation of the Colorado-Fayette Hospital District. (30-1) Washington "Nay" (31-0)
- S.B. 1710** (Glasgow) Relating to the creation of the Eastland Memorial Hospital District. (30-1) Washington "Nay" (31-0)
- S.B. 1711** (Brooks) Relating to sexual assault prevention and crisis services. (30-1) Washington "Nay" (31-0)
- S.B. 1731** (Sims) Relating to the membership of the State Committee for Purchases of Products and Services of Blind and Severely Disabled Persons. (30-1) Washington "Nay" (31-0)

S.B. 1742 (Parker) Relating to the liability of pilots rendering pilot services to or from ports located in Jefferson County or Orange County. (30-1) Washington "Nay" (31-0)

S.B. 1750 (Ratliff) Relating to the creation of the Morris County Hospital District. (30-1) Washington "Nay" (31-0)

S.B. 1775 (Leedom) Relating to real estate transactions involving State-owned real property by the asset management division of the General Land Office. (30-1) Washington "Nay" (31-0)

H.C.R. 159 (Carriker) Urging the Texas Aeronautics Commission to apply for funds for the purpose of studying the feasibility of locating a superport in Texas. (vv)

H.B. 162 (Montford) Relating to eligibility of certain persons for coverage under certain health care coverage. (30-1) Washington "Nay" (31-0)

H.B. 163 (Bivins) Relating to designing and supplying a uniform certificate of course completion for successful completion of a driving safety course. (30-1) Washington "Nay" (31-0)

H.B. 202 (Henderson) Relating to the termination of a condominium regime. (30-1) Washington "Nay" (31-0)

H.B. 204 (Brooks) Relating to certain criminal penalties imposed for violations of the State laws regulating plumbing. (30-1) Washington "Nay" (31-0)

H.B. 541 (Edwards) Relating to the establishment of the Office of the Long-term Care Ombudsman in the Texas Department on Aging; providing a criminal penalty. (30-1) Washington "Nay" (31-0)

H.B. 580 (Barrientos) Relating to acquisition of real property by community mental retardation centers. (30-1) Washington "Nay" (31-0)

H.B. 602 (Leedom) Relating to the disposition of fees collected by a county tax assessor-collector under the Certificate of Title Act. (30-1) Washington "Nay" (31-0)

H.B. 625 (Henderson) Relating to the effect of citing volume and page numbers in referring to real property records in instruments relating to real property transactions. (30-1) Washington "Nay" (31-0)

H.B. 660 (Henderson) Relating to requirements for the recording of documents relating to real or personal property. (30-1) Washington "Nay" (31-0)

H.B. 772 (Henderson) Relating to the abolishment of the State Board of Canvassers. (30-1) Washington "Nay" (31-0)

H.B. 800 (Leedom) Relating to the requirements for appointment to the State Pension Review Board. (30-1) Washington "Nay" (31-0)

H.B. 1010 (Santiesteban) Relating to the membership of the Dental Hygiene Advisory Committee and to the per diem and reimbursement to which committee members are entitled. (30-1) Washington "Nay" (31-0)

H.B. 1051 (Parker) Relating to the financial operations of certain hospital districts. (30-1) Washington "Nay" (31-0)

H.B. 1077 (Leedom) Relating to the procedure for amending a county budget in certain counties. (30-1) Washington "Nay" (31-0)

C.S.H.B. 1159 (Brooks) Relating to renewal of a license to practice pharmacy and continuing education requirements for pharmacists. (30-1) Washington "Nay" (31-0)

H.B. 1558 (Haley) Relating to an exemption from certain licensing requirements for inmates incarcerated in the Texas Department of Corrections who perform barbering. (30-1) Washington "Nay" (31-0)

H.B. 1632 (Montford) Relating to the administration of the Employees Retirement System of Texas. (30-1) Washington "Nay" (31-0)

H.B. 1700 (McFarland) Relating to the powers and duties of the Dallas County Utility and Reclamation District and the terms of office of the district directors. (30-1) Washington "Nay" (31-0)

H.B. 1841 (Glasgow) Relating to the dissolution of the South Eastland County Hospital District. (30-1) Washington "Nay" (31-0)

H.B. 2095 (Montford) Relating to determination of claims and filing of lawsuits under the Texas Employees Uniform Group Insurance Benefits Act and other laws administered by the Employees Retirement System of Texas. (30-1) Washington "Nay" (31-0)

H.B. 2551 (Sims) Relating to the payment for the purchase of road construction materials by a State agency. (30-1) Washington "Nay" (31-0)

CONCLUSION OF SESSION FOR LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Sims in Chair) announced that the session for the consideration of the Local and Uncontested Bills Calendar was concluded.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 8:35 a.m. adjourned until 11:00 a.m. today.

SIXTIETH DAY (Tuesday, May 9, 1989)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by President Pro Tempore Leedom.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Santiesteban, Sims, Tejeda, Truan, Uribe, Washington, Whitmire, Zaffirini.

A quorum was announced present.

Mary Jo Kaska, Religion Teacher, Nolan Catholic School, Fort Worth, offered the invocation as follows:

God of heaven and earth, we thank and praise You for the gift of this day. Our hearts are grateful, O God, for the people in our lives and the fruits of our labors and Your grace which we enjoy.

What are we here for, today? To do Your will, God, in all things. Be our guide on the path of truth, justice and compassion. Inspire us to find creative solutions to the problems of our day, and grant us, O God, peace in our days, peace to families, peace to our country, and peace among nations. Amen.